U.S. DISTRICT COURT FILED
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LATIN AMERICAN MUSIC COMPANY, INC., a/k/a LAMCO, ASOCIACIÓN DE COMPOSITORES Y EDITORES DE MUSICA LATINOAMERICANA a/k/a ACEMLA,

Plaintiffs,

- against -

SPANISH BROADCASTING SYSTEM, INC.; and RAÚL ALARCÓN, JR.,

Defendants.

Civ. No.:

COMPLAINT FOR COPYRIGHT INFRINGEMENT; INJUNCTIVE RELIEF; AND DAMAGES

DEMAND FOR JURY TRIAL

13 CV 1526

Jurisdiction and Venue

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 *et seq.*).

2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).

3. This Court has personal jurisdiction over the Defendants. Defendant Spanish Broadcasting System, Inc., does continuous and systematic business in New York and this District. It is authorized to do business in this state and maintains an office and employs personnel in New York and this District, and is thus physically present in the state. See N.Y. C.P.L.R. § 301.

4. Venue in this District is proper under 28 U.S.C. § 1391(b)(1) and (2) and 28 U.S.C. § 1400(a), in that this is a state and judicial district in which the defendant, Spanish Broadcasting System, Inc., resides, its registered agent may be found in this state, a substantial part of the events giving rise to the claim occurred in this state and district, and this state and district is a place where the acts of infringement complained of herein have occurred and continue to occur.

Parties

5. Plaintiff, Latin American Music Co., Inc. ("LAMCO") is a music publisher incorporated in the State of New York, having its principal place of business at #508 Ana Roque, San Juan, Puerto Rico 00918. LAMCO administers thousands of copyrighted musical works of several hundred Puerto Rican and foreign composers. The composers or their heirs transferred the ownership of such musical works to LAMCO by means of a contract between the parties.

6. Plaintiff, ACEMLA de Puerto Rico Inc. ("ACEMLA"), is a music performance licensing society incorporated under the laws of the Commonwealth of Puerto Rico, with its principal place of business at #508 Ana Roque, Hato Rey, Puerto Rico 00918. ACEMLA de Puerto Rico, Inc., also operates under the acronym of SPACEM, or Sociedad Puertorriqueña de Autores, Compositores y Editores de Música, a mark registered with the Department of State.

7. ACEMLA licenses and administers, in all forms and manner, all of the performance rights in its repertory, which consists of the combined repertory of LAMCO and other ACEMLA affiliates (composers and music publishers) who have assigned the performance rights in their catalogs and copyrights to ACEMLA.

8. ACEMLA acts as the licensor and administrator for all of the performance rights inherent or to be found under the copyrights owned and registered by its parent company "LAMCO", (which operates solely as a Music Publisher and/or is a beneficial owner of the copyrights).

9. Plaintiffs are informed and believe that the Defendant, Spanish Broadcasting System, Inc., (hereinafter referred to as "SBS"), is a Delaware Corporation, doing business and authorized to do business in the State of New York, with its principal business address at Pablo Raúl Alarcón Broadcast Center,7007 NW 77th Avenue, Miami, Florida 33166.

10. Upon information and belief, defendant SBS owns and/or operates the following terrestrial radio stations:

NEW YORK

WSKQ 97.9 FM - Mega 97.9
WPAT 93.1 FM - Amor 93.1
26 West 56th Street
New York, N.Y. 10019

LOS ANGELES

KLAX 97.9 FM - La Raza 97.9
KXOL 96.3 FM - LA 96.3
10281 West Pico Blvd.
Los Angeles, CA 90064

MIAMI

WRMA 106.7 FM - DJ 106.7
WXDJ 95.7 FM - El Zol 95.7
WCMQ 92.3 FM - Zeta 92.3
WRAZ 106.3 FM - Cima 106.3
7007 NW 77th Ave.
Medley, FL 33166

PUERTO RICO

WRXD 96.5 FM – Ritmo 96.5
WODA 94.7 FM/ WNOD 94.1 FM – La Nueva 94
WMEG 106.9 FM/ WEGM 95.1 FM – La Mega
WZNT 93.7 FM/WZMT 93.3 FM/ WZET 92.1 FM – La Zeta
WIOA 99.9 FM/WIOB 97.5 FM/WIOC 105.1 FM – Estereotempo
Frances St. Lot 42
Amelia Industrial Park
Guaynabo, PR 00968

CHICAGO

WLEY 107.9 FM - La Ley 107.9
150 N. Michigan Avenue, Suite 1040
Chicago, IL 60601

SAN FRANCISCO

KRZZ 93.3 FM - La Raza 93.3
455 Market Street
San Francisco, CA 94105

11. Plaintiffs are informed and believe that most, if not all, of the terrestrial radio stations operated by defendant SBS have websites which also simultaneously stream their stations' content over the internet.

12. Defendant, Raúl Alarcón, Jr., ("Alarcon") is Chairman of the board of directors and Chief Executive Officer and President of Defendant, SBS and, as such, directs,

controls and ratifies the actions of SBS.

13. Plaintiffs are informed and believe that defendant Alarcón has an address at the Pablo Raúl Alarcón Broadcast Center, 7007 NW 77th Avenue, Miami, Florida 33166.

Factual Allegations

14. On or about December 9, 1994, pursuant to a settlement agreement in a case in the United States District Court for the Southern District of New York entitled LATIN AMERICAN MUSIC COMPANY, INC. a/k/a LAMCO, d/b/a Asociación de Compositores y Editores de Música Latinoamericana, a/k/a ACEMLA, v. SPANISH BROADCASTING SYSTEMS, INC. and WSKQ Radio, 89 Civ. 6741 (DC), SBS entered into a licensing agreement with Plaintiffs authorizing Defendants to broadcast and play Plaintiffs' musical compositions on several of its radio stations for a term of one year.

15. After the initial one year term expired, Plaintiffs sent SBS a renewal license agreement. Plaintiffs, however, did not execute the licensing agreement. Nevertheless, SBS continued to make payments for a number of its radio stations until July, 1996, when, Plaintiffs are informed and believe, SBS's management informed its stations not to play any music contained in plaintiff's catalogs.

16. Plaintiffs are informed and believe that defendant SBS has, despite refusing to enter into a licensing agreement with Plaintiffs, nevertheless, continued and still continues to repeatedly play musical compositions contained in plaintiff's catalog of music on most, if not all, of its terrestrial radio stations, through internet streaming via websites

associated with it or operating at its direction and under its control and through its television stations, without the consent or without any authority granted it by Plaintiffs.

INFRINGEMENT OF COPYRIGHTS

Count One

17. Plaintiffs incorporate herein by this reference each and every allegation contained in each paragraph above.

18. Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of exclusive rights under United States copyright with respect to certain copyrighted sound recordings, including but not limited to the following copyrighted sound recordings, each of which is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights (the "Copyrighted Recordings"):

	Title (Composer)	**Infringement**	**Recordation of Contract**	**Pa - Registration of Contract**
1	Arroz con Bacalao (Jenaro (Heny) Álvarez)	Z93-FM (La Z) San Juan, Puerto Rico 24 Jan 2012 / 8:11 A.M.	21 Nov 2003 V3504P740	4 Mar 2003 PA 1-157-028
2	Ojos Chinos (Rogelio Vélez)	Z93-FM (La Z) 14 Dec 2010	21 Nov 2003 V3504P212 (Jenaro Jr. - Álvarez)	23 Sept 1983 Pau - 551-546

	Title (Composer)	Infringement	Recordation of Contract	Pa - Registration of Contract
3	Aguanile	97.7 (La Mega) New York, New York 17 Jun 2012 / 10:00 P.M.	26 Nov 1999 V3462P66	11 Nov 1999 PA 987-432
4	Vaso en Colores (Hugo González Lorento)	97.7 (La Mega) New York, New York 13 Jun 2012 / 12:00 A.M.	23 Sept 1999 V3445P515	1 May 2002 PA 1-114-649
5	El Quincallero / Heny [sic] Alvarez (Genero Alvarez	Z93- FM (La Z) San Juan, Puerto Rico 28 Feb 2013 / 7:00 A.M.	1. 21 Oct 1996 V 3299P2-12 2. 21 Nov 2003 V3504 P7401	1 May 2002 PA0000113733
6	Sali Porque Sali / Catalino Tite Curet	Z93- FM (La Z) San Juan, Puerto Rico 1 Mar 2013 / 10:18 A.M.	15 Jun 1998 V 3417 P610	13 Aug 1996 PA 814-398
7	Omi opera : a.k.a. Hommy. Hommy a Latin opera. / Mantecadito (Genaro Álvarez)	Z93- FM (La Z) San Juan, Puerto Rico 1 Mar 2013 / 2:38 P.M.	21 Oct 1996 V3299P002	6 Feb 2003 PA-1-233-328
8	Soy Sensacional / (Jenaro Álvarez Domenech, Jr.)	Z93- FM (La Z) San Juan, Puerto Rico 28 Feb 2013 3:30 P.M.	1. 21 Oct 1996 V3299P2-12 2. 21 Nov 2003 V3504P7401	6 Feb 2003 / PA-1-233-328

Injuntive Relief Requested

23. The conduct of Defendants is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money.

24. Plaintiffs have no adequate remedy at law.

25. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiffs are entitled to injunctive relief prohibiting Defendants from further infringing Plaintiffs' copyrights in violation of Plaintiffs' exclusive rights.

Damages

26. Plaintiffs are entitled to their costs, including reasonable attorneys' fees, pursuant to 17 U.S.C. § 505.

WHEREFORE, Plaintiffs respectfully request Judgment against the Defendants as follows:

1. For an injunction providing that:

"Defendants and their agents, servants, employees, officers, attorneys, successors, licensees, partners, and assigns, and any and all persons acting at their direction or in concert or in participation with each or any of them shall be and hereby are enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the copyrighted recordings and any sound recording, whether now in existence or later created, that is owned, controlled or administered by Plaintiffs (or any parent, subsidiary, or affiliate of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to stream or to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public by any means, except pursuant to a lawful license or with the express authority of Plaintiffs."

2. For actual damages plus Defendants' profits from infringement, pursuant to 17 U.S.C. § 504(b) as will be proven at trial; or, at Plaintiffs' election pursuant for statutory damages pursuant to 17 U.S.C. § 504(c).

3. For Plaintiffs' costs, including reasonable attorneys' fees, pursuant to 17 U.S.C. § 505.

4. For pre- and post-judgment interest according to law.

5. For such other and further relief as the Court may deem just and proper.

Dated: White Plains, New York
March 7, 2013

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